

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

May 25, 1999

Cynthia S. Luckey, Clerk of Court
City of North Augusta
P.O. Box 6400
North Augusta, South Carolina 29861-6400

RE: Informal Opinion

Dear Ms. Luckey:

Attorney General Condon has forwarded your opinion request to me for reply. You have asked several questions regarding the Municipal Court of North Augusta's authority to contract with a private company to provide probation services to individuals sentenced to probation by the Municipal Court.

This Office has previously concluded that municipal courts do not have the authority to place individuals on probation. Ops. Atty. Gen. dated June 9, 1992, September 29, 1988, and July 21, 1986. (copies enclosed). It naturally follows that if a municipal court does not have the authority to place individuals on probation in the first place, it would not have the power to hire a private company to monitor those placed on probation.

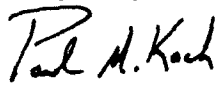
You have also cited Section 24-21-410 of the South Carolina Code of Laws in your request. This section provides in part "... the judge of a court of record with criminal jurisdiction at the time of sentence may suspend the imposition or the execution of a sentence and place the defendant on probation or may impose a fine and also place the defendant on probation." This section would not apply to municipal courts as they are not courts of record. See Op. Atty. Gen. dated March 16, 1981 (municipal courts are not courts of record).

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This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,

A handwritten signature in dark ink, appearing to read "Paul M. Koch". The signature is written in a cursive, slightly stylized font.

Paul M. Koch
Assistant Attorney General